

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

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KRISTIN STEIN,

Plaintiff,

-against-

TOWN OF GREENBURGH, BRIAN RYAN in his official capacity as Interim Chief of Police and individually, CHRIS MCNERNEY in his official capacity as Chief of Police and individually, ROBERT J. GRAMAGLIA in his official capacity as a Lieutenant and individually, KOBIE POWELL in his official capacity as a Lieutenant and individually, BRIAN MATTHEWS in his official capacity as a Lieutenant and individually, FRANK FARINA in his official capacity as a Patrol Captain and individually, DENNIS BASULTO in his official capacities as a Sergeant and Lieutenant and individually, ERIC VLASATY in his official capacity as a Sergeant and individually, PATRICK T. GRADY in his official capacity as a Sergeant and individually, MICHAEL COOKINGHAM in his official capacity as a Sergeant and individually, ALEX RODRIGUEZ in his official capacity as a Sergeant and individually, JEFF CERONE in his official capacity as a Police Officer and individually, JOHN PILLA, in his official capacity as a Police Officer and individually, BRIAN DOHERTY, in his official capacity as a Police Officer and individually, DYANA ALBANO in her official capacity as a Police Officer and individually, and FRANK KOZAKIEWICZ in his official capacity as a Police Officer and individually,

7:21-cv-05673-PMH

**DEFENDANTS' NOTICE OF  
MOTION TO DISMISS**

Defendants.  
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**MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED AND SUPPLEMENTAL  
COMPLAINT PURSUANT TO FED. R. CIV. PRO. 12(C) ON BEHALF OF THE  
DEFENDANT ROBERT J. GRAMAGLIA**

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PLEASE TAKE NOTICE that Defendant, ROBERT J. GRAMAGLIA, by and through counsel WILSON, BAVE, CONBOY, COZZA & COUZENS, P.C., DANIEL A. SEYMOUR,

ESQ., of Counsel, will move for judgment on the pleadings before the Honorable Philip M. Halperin, United States District Judge, at the United States Federal Courthouse , 300 Quarropas Street, Courtroom 520, White Plains New York 10601 on the 27<sup>th</sup> day of May, 2022 at 10:00 am, or as soon thereafter as counsel may be heard, for an Order granting the Defendants' Motion to Dismiss certain of Plaintiff's causes and claims (1) pursuant to Title VII based upon alleged conduct occurring more than 300 days before Plaintiff's filing of a charge of discrimination with the United States Equal Employment Opportunity Commission, (2) pursuant to NYSHRL due to Plaintiff's failure to timely serve a notice of claim and/or comply with other requirements pursuant to New York State Town Law § 67. Plaintiff's First Amended and Supplemental Complaint, filed on March 3, 2022, fails to state a claim upon which relief can be granted.

In support of this Motion, the Defendant incorporates and joins herein by reference the Declaration of Daniel A. Seymour, Esq, the pleadings of record, and the Motion to Dismiss filed by the Town of Greenburgh.

Dated: White Plains, New York  
April 8, 2022

WILSON, BAVE, CONBOY, COZZA &  
COUZENS, P.C.



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